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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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SUE BEITIA, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00261 HG
)	
Plaintiff,)	SUPERSEDING INDICTMENT
)	
vs.)	Counts 1 & 2: 18 U.S.C. §§
)	1951 and 2
JAMES TROIANO, (01))	Count 3: 18 U.S.C. §
also known as:)	924(c)
"JOHN KLATT,")	Count 4: 18 U.S.C. §§
WENDELL K. TOKI, (02))	922(g)(1) and 924(e)
)	
Defendants.)	

SUPERSEDING INDICTMENT

COUNT 1

(18 U.S.C. §§ 1951 and 2)
(Conspiracy to Commit Hobbs Act Robbery)

The Grand Jury charges that:

From dates unknown to the Grand Jury to on or about May
9, 2005, in the District of Hawaii, the defendants JAMES TROIANO,

also known as "JOHN KLATT," and WENDELL K. TOKI, did unlawfully, knowingly, and willfully conspire with others known and unknown to the Grand Jury to obstruct and affect commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant did unlawfully, knowingly, and willfully take and obtain personal property consisting of money from the person and in the presence of M.A., the owner of Agader-Silva, Incorporated, doing business as "The Brown Bottle," which engages in interstate commerce, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT 2

(18 U.S.C. §§ 1951 and 2)
(Hobbs Act Robbery)

The Grand Jury further charges that:

On or about May 9, 2005, in the District of Hawaii, the defendants JAMES TROIANO, also known as "JOHN KLATT," and WENDELL K. TOKI, did unlawfully, knowingly, and willfully obstruct and affect with others known and unknown to the Grand Jury, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such

commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant did unlawfully, knowingly, and willfully take and obtain personal property consisting of money from the person and in the presence of M.A., the owner of Agader-Silva, Incorporated, doing business as "The Brown Bottle," which engages in interstate commerce, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT 3

(18 U.S.C. § 924(c))

(Use of Firearm During Hobbs Act Robbery)

The Grand Jury further charges that:

On or about May 9, 2005, in the District of Hawaii, the defendant JAMES TROIANO, also known as "JOHN KLATT," did knowingly carry and brandish a firearm, to wit: a Colt .45 black pistol bearing serial number #CLW⁰23025⁰, during and in relation to a crime of violence, as that term is defined in Title 18, United States Code, Section 924(c)(3), to wit: conspiracy and Hobbs Act robbery as charged in Counts 1 and 2 of this Superseding Indictment and incorporated herein by reference.

All in violation of Title 18, United States Code, Sections 924(c).

COUNT 4

(18 U.S.C. §§ 922(g)(1) and 924(e))
(Felon in Possession of a Firearm)

The Grand Jury further charges that:

On or about May 9, 2005, in the District of Hawaii, defendant, JAMES TROIANO, also known as "JOHN KLATT," having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm, to wit: a Colt .45 black pistol bearing serial number #CLW23025.


All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)).

DATED: OCT 05 2005, 2005 at Honolulu, Hawaii.

A TRUE BILL

ISI
FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
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